HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.9381 of 2007

Date: 10-08-2007.

Between :

Darapu Somaraju Reddy.

.....Petitioner

And

Divisional Forest Officer, Narsipatnam & others.

.....Respondents.

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ORDER :

The petitioner participated in the auction held on 06.03.2007 and 07.03.2007, at Government Timber Depots at Golugonda and Narsipatnam respectively. According to him, lot Nos.12 and 13 of Golugonda Depot and lot No.5 of Narsipatnam Depot were sold away though the bids were too low. He made a representation on 09.03.2007, stating that the said lots would have fetched 25% more than what was realized. To prove his bonafides, he sent a cheque for Rs.45,500/-, representing the probable differential amount.

In view of the representation submitted by the petitioner, the 1st respondent did not confirm the auction of the said lots. He conducted fresh auction for those lots on 06.04.2007 and 07.04.2007. Alleging that the re-auction did not fetch even the amount that was offered in the bids received in March, 2007, the 1st respondent issued proceedings, dated 12.04.2007, not only forfeiting

the amount deposited by the petitioner, but also directing him to pay a further amount of Rs.14,700/-. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Forest.

This Court heard the matter at length and perused the records that were submitted. It was found that the procedure adopted by the 1st respondent is totally illegal and untenable, having regard to the fact that he did not even intimate the petitioner about his decision to conduct re-auction of the said lots. Once the petitioner is not put on notice of the auction of the said lots, the question of throwing any blame upon him for the alleged bids received at the subsequent auction, does not arise. When the same was pointed out, the 1st respondent issued proceedings, dated 04.08.2007, directing refund of the amount deposited by the petitioner. With this, the grievance of the petitioner stands redressed and the impugned order stands quashed.

The writ petition is allowed to the extent indicated above.

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L. NARASIMHA REDDY, J

10th August, 2007

ajr